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STATE COUNCIL BULLETIN

No 34, 31 DECEMBER 1986

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CHINA

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No 34, 31 DECEMBER 1986

[Translation of the tables of contents and selected items from ZHONGHUA RENMIN GONGHEGUO GUOWUYUAN GONGBAO published in Beijing.]

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PROVISIONAL RULES ON BUSINESS TRAVEL TO HONG KONG, MACAO

Beijing STATE COUNCIL BULLETIN in Chinese No 34, 31 Dec 86 pp 1051-1055

[Provisional Rules Governing Travel on Private Business by Chinese Citizens To and From the Hong Kong and Macao Area (Approved by the State Council on 3 December 1986 and Promulgated by the Ministry of Public Security on 25 December 1986)]

[Text]

Chapter 1. General Provisions

Article 1. The present rules are formulated in accordance with the "PRC Immigration Law for Its Citizens."

Article 2. The present rules shall apply to mainland citizens traveling on private business to and from the Hong Kong area (hereinafter referred to as Hong Kong) or the Macao area (hereinafter referred to as Macao) and to Hong Kong and Macao compatriots traveling to and from the mainland.

Article 3. Mainland citizens traveling on private business to Hong Kong and Macao shall leave the country through designated ports by presenting their permits to Hong Kong and Macao or permits to and from Hong Kong and Macao issued by the public security organs of our country. On their return to the mainland, they may enter at other open ports.

The designated ports shall be: Shenzhen for those going to Hong Kong, and Gongbei for those going to Macao.

Article 4. Hong Kong and Macao compatriots traveling to and from Hong Kong and Macao and the mainland shall enter or leave the country at the open ports by presenting their Home Visit Certificates for Hong Kong and Macao Compatriots or entry and exit papers issued by the public security organs of our country.

Chapter 2. Mainland Citizens Traveling to Hong Kong and Macao

Article 5. Mainland citizens who desire to settle in Hong Kong and Macao for personal reasons shall be subject to quota and screening in order to safeguard and maintain the economic prosperity and social stability of Hong Kong and Macao.

Article 6. Mainland citizens who plan to travel on private business to Hong Kong and Macao must apply for permission from the immigration control department of the city or county public security bureau where their residence is registered.

Article 7. People may apply to settle in Hong Kong and Macao under any of the following situations:

- 1) When their spouse has settled in Hong Kong and Macao and they have lived apart for many years;
- 2) When their parents who have settled in Hong Kong and Macao are old and senile and need to be taken care of by their children on the mainland;
- 3) When they are old or underaged with no one to depend on and must go and seek refuge with directly related members of their family or close relatives in Hong Kong or Macao;
- 4) When a directly related member of their family who had settled in Hong Kong or Macao had left an estate but without any successor and they must go and settle there in order to inherit the estate;
- 5) When they have special reasons for settling there.

Article 8. People may apply to go to Hong Kong and Macao for short periods under any of the following situations:

- 1) When they must go and visit close relatives settled in Hong Kong or Macao;
- 2) When they must go to Hong Kong and Macao to meet directly related members of their family or close relatives who are Taiwan compatriots;
- 3) When they, being returned overseas Chinese, must go to Hong Kong or Macao to meet directly related members of their family or brothers or sisters who cannot go to visit them on the mainland, or in the case of relatives of overseas Chinese, when they must go and meet directly related members of their family who cannot return;
- 4) When they must go to Hong Kong and Macao to attend to their property;
- 5) When they must go to Hong Kong or Macao for short periods for other special reasons.

Article 9. Mainland citizens who desire to go to Hong Kong and Macao for personal reasons must answer relevant questions and fulfill the following:

- 1) Submit for examination their residence card or other proofs of residence registration;

- 2) Complete an application form;
- 3) Submit the comments made by their unit of work on their application to go to Hong Kong and Macao;
- 4) Submit relevant proofs related to the application.

Article 10. The proofs mentioned in Item 4) of Article 9 of the present rules refer:

- 1) In the case of the reunion of married couples, to legal marriage documents and proofs of the spouse's permanent residence in Hong Kong or Macao;
- 2) In the case of those who apply to go to Hong Kong or Macao to take care of their old and senile parents, or in the case of the aged or underaged who apply to go to Hong Kong or Macao to join their relatives, to proofs showing their relationship to their relatives in Hong Kong or Macao, as well as proofs of their relative's permanent residence there;
- 3) In the case of those who apply to go and visit their relatives in Hong Kong or Macao, to letters from their relatives; in pressing cases, details or proofs related to the application should be submitted wherever possible;
- 5) In the case of meetings with relatives from Taiwan or relatives residing abroad, to definite proofs of the date of their arrival in Hong Kong or Macao.

Article 11. Applications accepted by the immigration control department of public security organs for visits to Hong Kong or Macao should be decided upon within 60 days and the applicants should be notified of the result.

Article 12. Mainland citizens whose application to go and settle in Hong Kong or Macao has been approved shall be issued passes for traveling to Hong Kong and Macao. The holders should cancel their residence registration with the local public security substation before leaving for Hong Kong and Macao.

Mainland citizens approved to go to Hong Kong and Macao for short periods shall be issued passes for traveling to and from Hong Kong and Macao. The holders should leave and return within the stated time.

Article 13. Mainland citizens who apply to go to Hong Kong and Macao shall be rejected under any of the following situations:

- 1) When they fall under the provisions of Article 8 of the PRC Immigration Law for Its Citizens;
- 2) When they do not fall under the provisions of Articles 7 and 8 of the present rules;
- 3) When they try to swindle the immigration control department of public security organs by means of fabrication or false evidence.

Chapter 3. Visits to the Mainland by Compatriots From Hong Kong and Macao

Article 14. Compatriots from Hong Kong and Macao must apply for Home Visit Certificates for visits to the homeland. Home Visit Certificates for Hong Kong and Macao Compatriots shall be issued by the Public Security Department of Guangdong Province.

To apply for the Home Visit Certificate for Hong Kong and Macao Compatriots, one must submit for examination his resident identity card and complete an application form.

Compatriots from Hong Kong and Macao who do not visit the mainland regularly may apply for entry and exit papers. The application procedures are the same as those for the application of the Home Visit Certificate.

Article 15. The Home Visit Certificate for Hong Kong and Macao Compatriots or entry and exit permit shall not be issued to the following categories of people:

- 1) Those who, it is suspected, might engage in robbery, theft, drug trafficking and other criminal activities;
- 2) Those who fabricated facts and submitted false evidence;
- 3) Those who are victims of mental diseases.

Article 16. Compatriots from Hong Kong and Macao who plan to drive their motor vehicle to the mainland should apply to the Guangdong Provincial People's Government for driving license in accordance with relevant regulations: the driver should also apply to the immigration control section of the Guangdong Provincial Public Security Department for a permit for driving Hong Kong and Macao motor vehicles to and from the mainland.

Article 17. Compatriots from Hong Kong and Macao who visit the mainland for short periods must register their temporary residence in accordance with the residence control regulations. Those staying at hotels, hostels, guesthouses, schools and other enterprises and establishments, or in offices, associations, and other organizations should complete the necessary registration form for temporary accommodation; those staying with families of relatives and friends should personally, or through relatives and friends, report to register their temporary accommodation with the local public security substation or residence registration office within 24 hours (in rural areas within 72 hours).

Article 18. Compatriots from Hong Kong and Macao who desire to return to the mainland and settle should first apply to the public security bureau of the city or county they intend to live in and, upon approval, register their residence at the place of settlement by presenting their Home Visit Certificates with the settlement authorization attached.

Chapter 4. Immigration Inspection

Article 19. Mainland citizens traveling to and from Hong Kong and Macao and Hong Kong and Macao compatriots traveling to and from the mainland must present their immigration papers, complete and hand in exit or entry registration cards, and accept inspection at the border checkpoints at the open ports or designated ports.

Article 20. Border checkpoints have the power to deny exit or entry to:

- 1) Those who do not hold a permit for traveling to and from Hong Kong and Macao, a Home Visit Certificate for Hong Kong and Macao Compatriots, or other valid documents;
- 2) Those who hold and use forged, adulterated, and other invalid permits for traveling to and from Hong Kong and Macao or Home Visit Certificates for Hong Kong and Macao Compatriots, or make fraudulent use of other people's permits for traveling to and from Hong Kong and Macao or Home Visit Certificates for Hong Kong and Macao Compatriots;
- 3) Those who refuse to submit their papers for examination.

Those mentioned in Item 2) above may be dealt with in accordance with the provisions of Article 26 of the present rules.

Chapter 5. Control of Papers

Article 21. The Home Visit Certificates for Hong Kong and Macao Compatriots, to be kept by its holder, shall be valid for 10 years and may be used for multiple trips during its period of validity. A new certificate may be issued upon expiry or when its pages have been used up. The provisions of Article 14 of the present rules shall be followed in applications for new certificates.

Article 22. Permits for traveling to Hong Kong and Macao shall be valid for a single journey during the period of validity. Permits for traveling to and from Hong Kong and Macao shall be valid for 5 years and may be renewed twice, each time for no more than 5 years. The permits shall be kept and used by their holders. Every time the holders plan to go to Hong Kong and Macao, they must go through the application procedures laid down in Article 6, 8 and 10 of the present rules and, upon approval, shall be given endorsement for a single two-way journey. Public security organs specially authorized by the Ministry of Public Security may give endorsements for multiple two-way journeys.

Article 23. Compatriots from Hong Kong and Macao who have lost their Home Visit Certificates for Hong Kong and Macao Compatriots should report the loss to the public security organs of the city or county where the certificates are lost or to the public security organs of communications and transport departments. If the loss is proven to be true after investigation, the public security organ shall authorize their immigration control departments to issue exit permits valid for a single journey, which they can use for traveling.

back to Hong Kong or Macao. Compatriots from Hong Kong and Macao who have lost their Home Visit Certificates for Hong Kong and Macao Compatriots whether in Hong Kong, Macao, or on the mainland may reapply for the Home Visit Certificates for Hong Kong and Macao Compatriots in accordance with the provisions of Article 14 of the present rules.

Article 24. Mainland citizens who have lost their permits for traveling to Hong Kong and Macao, or permits for traveling to and from Hong Kong and Macao, should report at once to the original issuing organ and personally advertise the loss in newspapers. A new permit may be issued if the loss is found to be true.

Article 25. Holders of the Home Visit Certificate for Hong Kong and Macao Compatriots shall find their permits revoked if they belong to the categories mentioned in Article 15 of the present rules.

The decision to revoke the permits shall be made by the original issuing organ or the organ at the higher level, and the permits shall be withdrawn.

Chapter 6. Penalty

Article 26. Those who hold and use forged, adulterated, and other permits for traveling to Hong Kong and Macao, permits for traveling to and from Hong Kong and Macao, Home Visit Certificates for Hong Kong and Macao Compatriots, entry and exit permits, or use other people's papers, in addition to finding their papers confiscated, may be warned or held in detention for up to 5 days in accordance with the seriousness of the case.

Article 27. Those who forge, adulterate, or transfer permits for traveling to Hong Kong and Macao, permits for traveling to and from Hong Kong and Macao, Home Visit Certificates for Hong Kong and Macao Compatriots, and entry and exit permits shall be held in detention for up to 10 days; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the PRC Criminal Law.

Article 28. Those who obtain permits for traveling to Hong Kong and Macao, permits for traveling to and from Hong Kong and Macao, Home Visit Certificates for Hong Kong and Macao Compatriots, and entry and exit permits by fabricating facts, providing false proofs, or bribery shall, in minor cases, be warned or held in detention for up to 5 days; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the PRC Criminal Law.

Article 29. Functionaries of public security organs who abuse their power to extort or accept bribes or are found guilty of other acts of dereliction of duty when enforcing the present rules may, in minor cases, be given administrative punishment by the competent departments; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the PRC Criminal Law.

Chapter 7. Other Provisions

Article 30. The Ministry of Public Security shall be responsible for the implementation of the present rules.

Article 31. The present rules shall go into effect on the day they are promulgated.

/8309

CSO: 4005/842

DETAILED RULES FOR PRC CITIZENS' IMMIGRATION LAW

Beijing STATE COUNCIL BULLETIN in Chinese No 34, 31 Dec 86 pp 1056-1060

[Detailed Rules for the Implementation of the PRC Immigration Law for Its Citizens (Approved by the State Council on 3 December 1986 and Promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs, and the Ministry of Communications on 26 December 1986)]

[Text]

Chapter 1. General Provisions

Article 1. The present rules are formulated in accordance with the provisions of Article 19 of the "PRC Immigration Law for Its Citizens."

Article 2. The present rules shall apply to Chinese citizens leaving or entering the country for personal reasons. The "personal reasons" here refer to the taking up of residence elsewhere, visits to relatives and friends, the inheritance of estates, self-funded study abroad, employment, sightseeing, and other personal matters.

Chapter 2. Exit

Article 3. Citizens residing within the country who wish to leave the country for personal reasons must submit their application to the immigration control department of the city or county public security bureau where their residence was registered, answer relevant questions, and fulfill the following:

- 1) Submit their residence registration card or other proofs of residence registration for examination;
- 2) Complete an exit application form;
- 3) Submit the comments made by their unit of work on the application;
- 4) Submit relevant proofs in support of the reasons to leave the country.

Article 4. The proofs mentioned in Item 4), Article 3 of the present rules refer:

- 1) In the case of taking up residence abroad, to proofs indicating that relatives and friends in the intended place of residence have given their consent, or residence permit from the new country of residence;

- 2) In the case of visiting relatives and friends, to proofs of invitation;
- 3) In the case of the inheritance of estates, to proofs showing one's legitimate right of inheritance;
- 4) In the case of self-funded study abroad, to the letter of acceptance and necessary financial proofs;
- 5) In the case of employment, to proofs of appointment or employment from the appointing of employing unit or from the employer;
- 6) In the case of sightseeing, to proofs of having the necessary foreign exchange to cover the trip.

Article 5. The city or county public security bureau shall decide whether or not to grant approval within 30 days, or 60 days in remote and not easily accessible places, of receiving the exit application, and notify the applicant of the decision.

Applicants have the right to make enquiries if they are not notified of the result within the specified time, and the departments handling their cases should answer their enquiries. Should an applicant think that the withholding of approval is in contravention of the "PRC Immigration Law for Its Citizens," he is entitled to appeal to the public security organ at a higher level, and the organ that accepted his case should handle and answer the case.

Article 6. Citizens residing in the country who have obtained their exit approval shall be issued a PRC passport and an exit registration card by the immigration control department of the public security organ.

Article 7. Citizens residing in the country who have obtained visas or entry permits to their country of destination should go through residence registration procedures before leaving the country. Those taking up residence abroad must go to their local public security substation or residence registration office to cancel their residence registration. Those leaving the country for a short period should register their temporary absence and, on their return to their former place of residence, resume their registration as constant residents by presenting their passports.

Article 8. Chinese citizens residing abroad who leave the country after returning shall not be required to apply for visas if they can present valid PRC passports, valid PRC travel permits, or other valid immigration papers.

Chapter 3. Entry

Article 9. Chinese citizens residing abroad who return to the country for short periods to visit relatives and friends, make investment, do business, travel, and so on shall not be required to apply for visas if they can present valid PRC passports, valid PRC travel permits, or other valid immigration papers.

Article 10. Chinese citizens residing abroad who desire to return to the country and settle down should submit their application to offices of diplomatic representatives and consular offices of China or to other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs before entering the country; they may also apply in their own name or through relatives in China to the public security bureau of the city or county where they plan to take up residence, and documents of resettlement shall be issued by the public security department (bureau) of the province, autonomous region or directly administered city concerned after the cases have been checked and approved.

Article 11. Chinese citizens residing abroad who desire to return to China to work should submit their application to the Chinese Ministry of Labor and Personnel or to the appointing or employing units.

Article 12. Chinese citizens residing abroad who are returning to China to settle down or to work should, within 30 days of their arrival at their destination, register their residence with the local public security bureau by presenting their resettlement permits, or appointment or employment permits approved by the Chinese Ministry of Labor and Personnel.

Article 13. Chinese citizens residing abroad who return to China for short periods must register their temporary stay in accordance with residence control regulations. Those staying in hotels, hostels, guesthouses, schools and other enterprises and establishments, or in offices, associations, and other organizations, should complete the necessary registration for temporary accommodation; those staying with relatives and friends should personally or through their relatives and friends register their temporary accommodation with the local public security substation within 24 hours (72 hours in the rural areas).

Chapter 4. Immigration Inspection

Article 14. Chinese citizens should leave or enter the country through open or designated ports, present their PRC passports or other immigration papers at the border checkpoints, complete exit or entry registration cards, and submit to examination and inspection.

Article 15. Border checkpoints have the power to deny exit or entry to:

- 1) Those who do not hold PRC passports or other immigration papers;
- 2) Those who hold and use invalid passports or other invalid immigration papers;
- 3) Those who hold and use forged or adulterated passports or papers, or make fraudulent use of other people's passports or papers;
- 4) Those who refuse to present their papers for inspection.

Those mentioned in Items 2) and 3) above may also be dealt with in accordance with the provisions of Article 23 of the present rules.

Chapter 5. Control of Papers

Article 16. The major immigration papers of the PRC--the PRC passport and the PRC travel permit--shall be kept and used by the holder himself. Apart from the public security organs and the original issuing office, which have the power to revoke and withdraw the papers, and the people's procuratorate and the people's court, which have the power to hold the papers in custody, no other offices, associations, enterprises, establishments or individuals may hold the papers in custody.

Article 17. The PRC passport shall be valid for 5 years and may be extended twice, each time for no more than 5 years. Applications for extension should be submitted before the expiry of the passports.

Outside the country, the extension of passports is handled by offices of diplomatic representatives and consular offices of China or by other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs. Inside the country, the extension of passports of Chinese citizens residing abroad shall be handled by the public security department (bureau) of the province, autonomous region, or centrally administered city concerned and by the immigration control departments of their authorized public security organs. The extension of passports of citizens residing in the country before leaving the country shall be handled by the immigration control department of the public security organ which issued the document or where residence was registered.

Article 18. The PRC travel permit, which may be valid for a single trip within 1 year or multiple trips within 2 years, shall be issued by offices of diplomatic representatives and consular offices of China, or other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs.

Article 19. The PRC entry/exit permit, which is a pass for crossing the Chinese national border (frontier), shall be issued by the public security department (bureau) of the province, autonomous region or directly administered city concerned and by their authorized public security organs. This permit shall be valid for a single crossing or multiple crossings within the period of validity. Single-crossing permits shall be withdrawn at the border checkpoint when the holders leave the country.

Article 20. If items recorded in the PRC passport and other immigration papers need to be modified or amended, the holders should file their application with either the immigration control department of their city or county public security bureau, or the offices of diplomatic representatives and consular offices of China or other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs, and submit proofs or explanations concerning matters to be modified or amended.

Article 21. Chinese citizens holding PRC passports and other immigration documents who cannot have the validity of their papers extended because the expiry date is imminent or because the visa pages have been used up, or who cannot continue to use these papers because of damage, may apply for reissuance

while surrendering the original passport and papers; those who request to keep the original passport may use the new passport keyed to the old one. Those who have lost their passport or immigration papers should report to the competent Chinese departments and apply for reissuance after declaring the loss in the newspapers or reporting the loss. Outside the country, the reissuance and replacement of passports and immigration papers shall be handled by offices of diplomatic representatives and consular offices of China or by other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs, and, inside the country, by the public security departments (bureaus) of various provinces, autonomous regions, and cities governed by the central authorities or by the immigration control departments of authorized public security organs.

Article 22. The PRC passport and other immigration papers should be withdrawn or declared null and void if:

- 1) The holder is deported back to the country for illegally entering or illegally residing in another country;
- 2) A citizen residing in the country makes use of his passport and papers to swindle.

The decision to withdraw and nullify the passport and other immigration papers shall be made by the original issuing organ or the organ at the higher level.

Chapter 6. Penalty

Article 23. Those who enter or leave the country using forged, adulterated and other invalid papers, or using other people's papers may, in addition to having their papers confiscated, be fined or held in detention for up to 5 days depending on the seriousness of the case.

Article 24. Those who forge, adulterate, or transfer exit/entry papers shall be held in detention for up to 10 days; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the "PRC Criminal Law."

Article 25. Those who obtain immigration papers by fabricating facts, providing false testimony, or bribery shall, in minor cases, be fined or held in detention for up to 5 days; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the "PRC Criminal Law."

Article 26. Functionaries of public security organs who abuse their power to extort or accept bribes or are found guilty of other acts of dereliction of duty when enforcing the "PRC Immigration Law for Its Citizens" and the present rules shall, in minor cases, be given administrative punishment by the competent departments in the light of circumstances; serious cases amounting to criminal offense shall be prosecuted in accordance with the relevant provisions of the "PRC Criminal Law."

Chapter 7. Other Provisions

Article 27. Provisions for Chinese citizens leaving the country on official missions and for Chinese seamen leaving the country for work shall be formulated separately.

Article 28. The present rules shall enter into force on the day of their promulgation.

/8309

CSO: 4005/842

RULES ON PRC IMMIGRATION LAW IMPLEMENTATION FOR FOREIGNERS

Beijing STATE COUNCIL BULLETIN in Chinese No 34, 31 Dec 86 pp 1061-1069

[Detailed Rules for the Implementation of the PRC Immigration Law for Foreign Nationals (Approved by the State Council on 3 December 1986 and Promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on 27 December 1986)]

[Text] The present rules are formulated in accordance with the provisions of Article 33 of the "PRC Immigration Law for Foreign Nationals" (hereafter referred to as the Immigration Law for Foreign Nationals).

Chapter 1. Entry

Article 1. Foreign nationals should apply for entry visas from offices of diplomatic representatives and consular offices of China or from other institutions functioning abroad that have been duly authorized by the Ministry of Foreign Affairs.

Foreign nationals with letters or telegrams from authorized units in China and holding ordinary passports issued by countries with diplomatic or official trade relations with China may, under the following conditions, apply for visa from visa-granting offices at the ports which have been so authorized by the Ministry of Public Security if they have truly urgent needs to visit China and do not have enough time to apply for a visa from the above-mentioned Chinese agencies abroad:

- 1) Those who have received last-minute invitations from the Chinese to attend trade fairs;
- 2) Those who have been invited to come to China to take part in bidding or to officially sign economic and trade contracts;
- 3) Those who are coming to China to oversee export and import inspections in accordance with contract provisions or to partake in the inspection and acceptance of items covered by contracts;
- 4) Those who have been invited to install or make rush repairs of equipment;
- 5) Those who have been invited by the Chinese side to come to China to assist in the settlement of compensation;

- 6) Those who have been invited to come to China to offer advice on scientific and technological issues;
- 7) Last minute additions or replacements approved by the Chinese side after a group visa has been issued to an organization or group invited to visit China;
- 8) Those who are coming to visit the sick and dying or to make funeral arrangements;
- 9) People in direct transit who, by reason of force majeure, cannot depart on the same flight within 24 hours or have to depart by other means of transport;
- 10) Those invited who truly do not have enough ties to apply for a visa from the above-mentioned Chinese agencies abroad and who hold letters or telegrams from designated competent departments authorizing application for visa at the ports.

Visa-granting agencies at the ports shall not consider visa applications in circumstances other than those mentioned above.

Article 2. Port visa-granting agencies authorized by the Ministry of Public Security are set up in the following ports: Beijing, Shanghai, Tianjin, Dalian, Fuzhou, Xiamen, Xian, Guilin, Hangzhou, Kunming, Guangzhou (Baiyun Airport), Shenzhen (Lowu and Shekou), Zhuhai (Gongbei).

Article 3. Diplomatic, courtesy, official, and/or ordinary visas shall be issued to foreign nationals coming to China in accordance with their capacity and the type of passport they hold:

Article 4. When issuing an ordinary visa, a relevant letter of the Chinese Pinyin shall be marked on the visa in accordance with the reason stated in the application:

- 1) "D" for people coming to China to take up permanent residence;
- 2) "Z" for people coming to China to take up duties or employment, as well as family members traveling with them;
- 3) "X" for people coming to China as overseas students, to engage in advanced studies, and for training lasting more than 6 months;
- 4) "F" for people coming to China on invitation to visit, carry out inspection, give lectures, do business, carry out cultural and scientific exchanges, and engage in short-term studies and training lasting no more than 6 months;
- 5) "L" for people coming to China for purposes of sightseeing, visiting relatives or other personal reasons; group visas may be issued to tour groups with nine or more members;

- 6) "G" for people traveling in transit through China;
- 7) "C" for attendants of international trains, and crew members of international aircraft carriers and of international vessels who are engaged in passenger service, flight or navigation duties, as well as family members traveling with them.

Article 5. Foreign nationals applying for visas must answer relevant questions and complete the following procedures:

- 1) Present a valid passport or a document that can be used in place of a passport;
- 2) Complete the visa application form and submit a recent photograph 2 1/2 inches in size, hatless, and front view;
- 3) Submit for examination proofs in support of the application for entry and transit.

Article 6. The relevant proofs mentioned in Item 3) of Article 5 of the present rules refer to:

- 1) Those applying for "D" category visas must hold a document confirming their status as permanent residents. This document is obtainable from the immigration control departments of the city or county public security bureau concerned through application submitted by the applicant himself or through his relatives in China;
- 2) Those applying for "Z" category visas must have proofs of appointment or employment from the employing unit in China, or letters or telegrams from authorized units;
- 3) Those applying for "X" category visas must have papers from the reception unit or competent department;
- 4) Those applying for "F" category visas must have letters or telegrams from authorized units;
- 5) Those applying for "L" category visas for tourist purposes must have proofs of reception by departments of tourism in China;
- 6) Those applying for "G" category visas must have valid visas to the country (region) of destination. If the applicant does not need a visa to go to the country (region) of destination, he must have a ticket for the onward journey;
- 7) Those applying for "C" category visas must submit relevant proofs in accordance with agreements signed.

Foreign nationals coming to China to take up residence permanently or for periods of more than 1 year must, when applying for entry visas, submit for examination health certificates issued by medical and health departments designated by the government of their country of residence, or issued by the medical and health

department and notarized by a notary public. The health certificate shall remain valid within 6 months of the date of issuance.

Article 7. Foreign nationals of the following categories shall be denied entry:

- 1) Those deported by the Chinese Government who have not served their period of prohibition from entry;
- 2) Those who, it is suspected, might engage in terrorism, violence, or subversive activities if allowed to enter China;
- 3) Those who, it is suspected, might engage in smuggling, drug-trafficking, and prostitution if allowed to enter China;
- 4) Those who suffer from mental diseases or infectious diseases like leprosy, AIDS, venereal diseases, and open tuberculosis;
- 5) Those without the wherewithal to assure coverage of the expenditures likely to be incurred during their stay in China;
- 6) Those who, it is suspected, might engage in other activities that might jeopardize our national security and interests.

Article 8. Foreign nationals with tickets for their onward journey who have confirmed bookings for direct transit on an international flight and who will only be at the city of transit for less than 24 hours shall be exempted from visas if they remain in the airport; those wishing to leave the airport must apply for stopover permits.

Article 9. Foreign crew members of vessels serving international routes, and their accompanying family members, who desire to go ashore when their vessels are at berth in Chinese ports must apply for landing permits from border checkpoints if they do not plan to go beyond the limits of the port cities. Those wishing to take up lodgings ashore must apply for lodging permits. Those who have legitimate reasons to travel outside the port cities, or cannot depart with their vessels, must apply for appropriate visas from the local public security bureaus.

Chapter 2. Inspection of Entry and Exit Papers

Article 10. Foreign nationals arriving at a port must produce valid passports and Chinese visas and papers and complete immigration cards at border checkpoints, and clearance shall be given after inspection and stamping.

Article 11. The responsible persons of foreign aircraft or vessels arriving at a Chinese port shall be dutybound to carry out the following tasks:

- 1) The aircraft or ship captains or their agents must submit to the border checkpoint namelists of their crew and passengers;

- 2) They must report to the border checkpoint passengers who attempt illegal entry as soon as they are discovered, and await further instruction;
- 3) They must ensure that those disallowed entry are taken away on the same means of transport; and if immediate departure cannot be arranged due to force majeure, they must see to the expenses incurred during their stay in China as well as their travel expenses upon departure.

Article 12. Border checkpoints shall have the power to deny entry or exit to the following categories of foreign nationals:

- 1) Those without valid passports, papers or visas;
- 2) Those holding forged, adulterated, or someone else's passports or papers;
- 3) Those who refuse to have their papers examined;
- 4) Those whose names are among the list of persons disallowed entry or exit by the Ministry of Public Security or Department of National Security.

Article 13. On leaving the territory, foreign nationals must submit for inspection valid passports or other valid papers, as well as visas authorizing their stay in China or other documents of residence.

Article 14. Foreign nationals and foreign means of transport must enter or leave the country via the port designated by the visa-granting agency.

Article 15. As regards foreign nationals disallowed entry under Article 12 of the present rules, the border checkpoints may take the measures to restrict the scope of their activities if they cannot go back at once with the means of transport they arrived in, and order their departure on the next available means of transport.

Chapter 3. Residence

Article 16. Foreign nationals holding visas of the "D," "Z," and "X" categories must apply for alien residence permit or temporary alien residence permit from the city or county public security bureaus of their place of residence within 10 days of their entry. The period of validity of the above-mentioned permits shall be the time limit in which the holders of the permits are allowed to stay in China.

Alien residence permits shall be issued to people intending to stay in China for more than 1 year.

Temporary alien residence permits shall be issued to people intending to stay in China for less than 1 year.

Foreign nationals holding visas of the "F," "L," "G," and "C" categories may stay in China during the period indicated on the visas without having to apply for residence permits.

Article 17. Foreign nationals applying for residence permits must answer relevant questions and complete the following procedures:

- 1) Submit for inspection their passports, visas, and relevant proofs relating to the reasons of their stay;
- 2) Complete an application for residence;
- 3) Those applying for alien residence permits must also submit for inspection a health certificate and submit a recent photograph 2 1/2 inches in size, hatless and front view.

Article 18. Alien residence permits valid for periods of between 1 and 5 years may be issued by the city or county public security bureaus in accordance with the reasons of stay given.

Foreign nationals who meet the provisions laid down in Article 14 of the "Immigration Law for Foreign Nationals" may be issued long-term residence permits with a time limit of between 1 and 5 years by the public security organs; those who have made outstanding achievements may be issued permanent residence permits.

Article 19. Foreign nationals exempted from visas by virtue of agreements concluded between the Chinese Government and foreign governments who need to stay in China for more than 30 days shall have to apply for residence permits in accordance with articles 16 and 17 of the present rules after entering the country.

However, the above clause does not apply to foreign nationals referred to in Article 34 of the "Immigration Law for Foreign Nationals."

Article 20. Foreign nationals wishing to continue their stay or residence in China must apply for extension before the expiry of their visas or residence permits.

A foreign national discovered to have any of the diseases referred to in Item 4), Article 7 of the present rules during his stay in China may be asked by public security organs to leave before the due date at the request of competent health organs of China.

Article 21. Should there be changes in the items entered in the alien residence permit (such as name, nationality, occupation or status, work unit, residential address, passport number, and accompanying children), the permit holder concerned must go to the local public security bureau to modify his registration within 10 days.

Article 22. Holders of alien residence permits who plan to move out of the city or county they currently reside must register with their local public security bureau before actually moving and must complete checkin procedures within 10 days of their arrival in the new place of residence.

Should foreign nationals who permanently reside in China desire to apply for a moving permit, they must first apply to the public security bureau of their new place of residence for documents approving their move into the neighborhood and, on the strength of these documents, register their move in accordance with the above provision.

Article 23. Out of the need to protect national security, social order, or other public interests, city or county public security bureaus may prohibit foreign nationals or foreign institutions from setting up residences or offices in certain places; residences and offices already set up in the above-mentioned prohibited areas must move to permitted areas within the time limit specified in the removal notice served by the city or county public security bureaus.

Article 24. Foreign nationals permanently residing in China must report to their local public security bureau at a specified time once a year to have their alien residence permits examined.

Where necessary, the public security bureaus may ask the foreign nationals to report to immigration control departments to have their alien residence permits examined, and the foreign nationals concerned must report there at the specified time.

Article 25. Foreign nationals over 16 years of age who reside or stay in China must carry their residence permits or identity papers with them in the eventuality of inspection by the foreign affairs branch of the people's police.

Article 26. Foreign babies born in China must be reported to the local public security bureaus by their parents or agents within 1 month of their birth to have their birth documents registered.

Article 27. When a foreign national dies in China, his surviving family members, guardian, or agent must report with documents certifying his death to the local public security bureau within 3 days of his death and have the residence permit or visa of the deceased canceled.

If a foreign national dies of an unnatural cause, the persons concerned or the persons who discovered the death must report to the public security organ without delay.

Article 28. The competent organ of the Chinese Government mentioned in Article 19 of the "Immigration Law for Foreign Nationals" refers to the Ministry of Labor and Personnel of the PRC.

Chapter 4. Registration of Accommodation

Article 29. Foreign nationals who take up accommodation in hotels, hostels, guesthouses, schools and other enterprises and establishments, or in offices, associations, and other Chinese organizations, should produce valid passports or residence papers and complete the necessary registration form for temporary accommodation. Travel documents must be produced for stays in the closed areas.

Article 30. When a foreign national stays with a Chinese family, the host or the lodger himself must report to the local public security bureau within 24 hours of arrival in the city, bringing the lodger's passport and papers and the host's residence registration card, and complete the necessary registration form for temporary accommodation; in rural areas, the local police substation or residence registration office must be notified within 72 hours.

Article 31. When a foreign national stays with a foreign establishment in China or a family of foreign nationals in China, the host establishment, the host, or the lodger himself must report to the local security organ within 24 hours of arrival, bringing the lodger's passport of residence papers, and complete the necessary registration form for temporary accommodation.

Article 32. A foreign national residing in China for extended periods should report and register his accommodation in accordance with articles 29, 30 and 31 of the present rules if he leaves his own residence and takes up temporary accommodation elsewhere.

Article 33. A foreign national who takes up temporary accommodation in mobile means of lodging must report to the local public security organ within 24 hours. Organizations or individuals who provide the site for mobile means of accommodation used by the foreign national should report to the local public security organ within 24 hours.

Chapter 5. Travel

Article 34. Foreign nationals wishing to travel to cities and counties not opened to foreigners must apply to their city or county public security bureaus for travel permits and shall begin the journey only after approval has been given. The following must be fulfilled when applying for the travel permit:

- 1) Submit one's passport or residence papers for inspection;
- 2) Provide proofs concerning the reasons of travel;
- 3) Complete an application form for traveling.

Article 35. Travel permits for foreign nationals shall be effective for a maximum period of 1 year, but shall not exceed the expiry dates of the visa or residence paper held by the foreign nationals.

Article 36. Foreign nationals wishing to extend the period of validity of their travel permits, increase the number of places of visit not opened to foreigners, or increase the number of accompanying persons, must apply to the public security bureau for the necessary extension or modification.

Article 37. Foreign nationals may not seek entry into places not opened to foreigners without the above-noted prior approval.

Chapter 6. Exit

Article 38. Foreign nationals should leave the territory within the period of validity of the visas or residence papers.

Article 39. Holders of alien residence permits who leave the territory within the period of validity of their residence permits but need to return to China should apply to the local public security organ for their return visas prior to their departure in accordance with the relevant provisions laid down in articles 5 and 6 of the present rules.

Foreign nationals holding residence permits who do not plan to return to China should surrender their residence permits at the border checkpoints.

Chapter 7. Penalty

Article 40. Foreign nationals who entered the territory of China by illegal means may be fined between 500 and 2,000 yuan, or held in detention for between 3 and 10 days, and may be ordered to leave within a stated period or deported; serious cases amounting to criminal offense shall be prosecuted according to law.

Article 41. Responsible persons or agents of means of transport who refuse to assume responsibility in contravention of the provisions of Article 11 of the present rules may be fined between 500 and 2,000 yuan, or held in detention for between 3 and 10 days.

Article 42. Foreign nationals who take up residence by illegal means or violate residence control regulations in contravention of the provisions of articles 16, 19, 20, 21, 22, and 23 may be warned, or fined between 100 and 500 yuan, or held in detention for between 1 and 3 days; in serious cases, they may be ordered to leave the country within a stated time.

Article 43. Foreign nationals who do not submit their residence papers for inspection as requested, who do not carry their passports or residence papers, or who refuse to have their papers inspected by the people's police in contravention of the provisions of articles 24 and 25 of the present rules may be warned, or fined between 20 and 50 yuan; in serious cases, they may be ordered to leave the country within a stated time.

Article 44. Foreign nationals who secured employment without the approval of the Ministry of Labor and Personnel of the PRC may, in addition to the termination of their appointment or employment, be fined between 200 and 1,000 yuan; in serious cases, they may be ordered to leave the country within a stated time.

Article 45. Those responsible for foreign nationals not completing accommodation registration, not registering their accommodation with the public security organ, or not securing accommodation without valid papers in contravention of the provisions of Article 4 of the present rules may be warned, or fined between 10 and 50 yuan.

Article 46. Foreign nationals who traveled in places not opened to foreigners in contravention of the provisions of articles 34, 36 and 37 of the present rules may be warned, or fined between 30 and 100 yuan; in serious cases, they may be ordered to leave the country within a stated time.

Article 47. Foreign nationals who forged, adulterated, fraudulently used, or transferred possession of visas or permits may, in addition to the cancellation or confiscation of their visas or permits, be fined between 500 and 2,000 yuan, or held in detention for between 3 and 10 days, and may be ordered to leave the country within a stated time; serious cases amounting to criminal offense shall be prosecuted according to law.

Article 48. Those who act in contravention of the "Immigration Law for Foreign Nationals" and the present rules due to force majeure may be exempted from penalty.

Foreign nationals unable to pay the fines may be sentenced to detention instead.

Article 49. The provisions regarding fines and detention laid down in the present rules shall also apply to those who assisted foreign nationals in entering or leaving the country by illegal means, made it possible for foreign nationals to gain residence or stay by illegal means, employed foreign nationals who sought employment without permission, or made it possible for foreign nationals without proper travel permit to travel in places not opened to foreign nationals.

Article 50. Those penalized who refuse to accept the fine or detention sentenced by the public security organ may, within 15 days of the notification, appeal to the organ that passed the sentence, or appeal directly to the public security organ at a higher level. The public security organ at the higher level shall make the final verdict within 3 days of receiving the appeal. The person penalized may also bring the case directly to the local people's court.

Article 51. The penalties mentioned in this chapter shall be enforced by the public security organs.

Chapter 8. Other Provisions

Article 52. Foreign nationals who apply for extension or modification of various visas or permits must fulfill the following:

- 1) Submit their passport, visa, and permit for inspection;
- 2) Complete an application for extension or modification;
- 3) Provide proofs concerning the reasons of extension and modification.

Article 53. Foreign nationals who apply for various visas or permits, or apply for the extension or modification of visas or permits, must pay visa or permit fees in accordance with regulations.

The standards for visa or permit fees shall be formulated by the Ministry of Public Security and the Ministry of Foreign Affairs.

People from countries which have signed visa fee agreements with the Chinese Government shall be treated in accordance with the relevant agreements.

Article 54. Foreign youngsters and children under 16 years of age who share the same passports with their parents or guardians may not be required to go through entry, transit, residence, or travel procedures separately if they travel to China with their parents or guardians.

Article 55. Foreign nationals who find their Chinese visas or permits lost or damaged should report at once to the immigration control department of the local public security bureau and apply for replacements. Those who have lost their alien residence permits must declare such papers null and void in local government-run newspapers.

Article 56. The formats of the various types of visas, permits, and application forms mentioned in the present rules shall be decided by the Ministry of Public Security and the Ministry of Foreign Affairs.

Article 56. The present rules shall enter into force on the day of their promulgation.

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END